IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24268 of 2007(L)

(AGAINST THE JUDGMENT DATED 4/04/2007 IN OS.362/2005 ON THE FILE OF THE MUNSIFF'S COURT, THALIPARAMBA)

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PETITIONER: PLAINTIFF:

BIJU K.JOHN, S/O. JOHN,
AGRICULTURIST, AGED 29 YEARS, KULATHINKAL
VADAKKEKKARA, CHUZHALI AMSOM AND NIDUVALUR DESOM,
REPRESENTED BY P/A HOLDER REJI P., S/O. MATHAI,
PALLICHIRA HOUSE, KOYYAM POST, CHUZHALI AMSOM,
NEDUVALLUR DESOM, THALIPARAMBA TALUK, KANNUR DIST.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENT: DEFENDANT:

MALAYI KALAPPURAKKAL SAJI, S/O. MATHAI,
BUSINESS, AGED 34 YEARS, MADAKKATHARA VILLAGE,
CHETTIKKADU DESOM, P.O.KUNDUKAD, THRISSUR TALUK,
THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 24268 OF 2007 L

Dated this the 10th August, 2007.

JUDGMENT

This writ petition is preferred against the judgment of a civil court to set aside that judgment invoking the power of this court under Art.227 of the Constitution of India. The well laid principles of law fixes the forum for approach when a person is aggrieved by an order of the court. When a civil suit is disposed of at the initial stage viz., the trial the Civil Procedure Code prescribes a mode of challenging the said judgment by way of an appeal. Contending that the court below has gone perverse and had dismissed the case is a point which can be raised in the appeal as well. I have gone through the judgment as well and I am not able to find such perversity to extend the jurisdiction under Art.227 which is of a supervisory nature to decide the case. Therefore, leaving open the right of the present writ petitioner to pursue his remedies by way of an appeal as provided under the Civil Procedure Code, this writ petition is dismissed.

M.N.KRISHNAN
Judge

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